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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813
February 10, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 05KD-193

Kauai

Set Aside to Department of Transportation, Highway Division
for Road Widening Purposes, Wailua, Kawaihau, Kauai, Tax Map
Key: (4) 4-1-03: 39.

APPLICANT:

Department of Transportation, Highway Division

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government (Crown) Land of Wailua situated at Wailua,
Kawaihau, Kauai, identified by Tax Map Key: (4) 4-1-03:39, as
shown on the attached map labeled Exhibit A.

AREA:

0.492 acres, more or less.

ZONING:

State Land Use District: Urban
County of Kauai CZO: Neighborhood Commercial

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: NO

CURRENT USE STATUS:

Encumbered by:

Non-Exclusive Easement for Access and Utility Easement Purposes

(CSF: 18,373)

Perpetual Non-Exclusive Easement for Underground Electric
Transmission Line. (CSF: 17,113)

PURPOSE:

Roadway purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. In as much as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;

REMARKS:

This parcel fronting the Coco Palms Hotel was for designed for Cane Haul Right-of-Way purposes. Presently it is encumbered by an access and utility easement and as electrical easement.

At a Workshop on Near-term Transportation Improvements, by the Department of Transportation, Highway Branch, held on July 28, 2005. The major traffic flow problem traveling westbound on Kuhio Highway was identified, beginning at the Kapaa Bypass Road intersection to the Wailua River Bridge.

It was suggested that an additional travel lane and increasing the width of the existing Wailua Bridge to accommodate one more lane could improve the westbound traffic flow. Additional right-of-way will be need for the travel lane fronting Coco Palms Hotel.

The Cane Haul Right-of-Way is 18 feet wide and will be able to accommodate the additional lane and improvements.

Agency comments were solicited from different State and County of Kauai. We received comments from the County of Kauai, Planning Department and State Historic Preservation Division.

County of Kauai Planning Department:

No objections to the transfer to the Department of Transportation Highway Division. (See Exhibit B)

State Historic Preservation Division:

No archaeological inventory surveys has been conducted for the above referenced land parcel. We believe significant historic sites including habitation, temporary habitation and human burials may exist in the area, In order to ensure any historic sites in this project area are documented we are requesting that an archaeological inventory survey be completed and submitted to our office for review and approval.

In this situation, we recommend that any approved application contain the following conditions:

- 1) An archaeologist inventory survey shall be conducted by a qualified archaeologist prior to any land alteration activities. A report documenting the archaeological work shall be submitted to the State Historic preservation division for review and approval. The report shall include a proposed evaluation of significance of any historic sites that are found, and mitigation proposals for any significant sites that are present. These proposals must be reviewed and approval.
- 2) If significant historic sites are present (non-burial sites), then detailed mitigation plans (scopes of work must be submitted to the State Historic Preservation Division for approval. The State Historic Preservation division must verify in writing that the plan(s) have been successfully, executed prior to any land alteration.
- 3) If burials are discovered during the survey, burial treatment determinations for native Hawaiian burials must be handled by the Kauai Island Burial Council. A burial treatment plan shall be prepared for burials, following the procedures out lined in Chapter 6E-43 and that section's accompanying rules, this plan must be executed successfully, prior to any land alteration.

Department of Transportation, Highway Division will be work with the Developer's of the Coco Palms Hotel to resolve if any duplicating work within this Right-of-Way. (See Exhibit C)

RECOMMENDATION:

That the Board, subject to Applicant fulfilling the Applicant Requirements above:

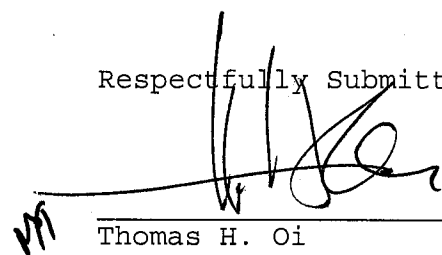
1. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to

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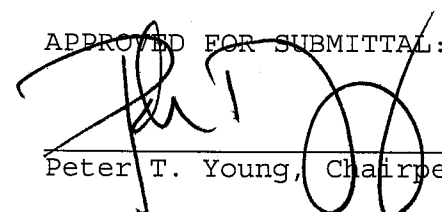
Department of Transportation, Highways Division under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:

- A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
- B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
- C. Review and approval by the Department of the Attorney General; and
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


Thomas H. Oi
Kauai district Land Agent

APPROVED FOR SUBMITTAL:


Peter T. Young, Chairperson

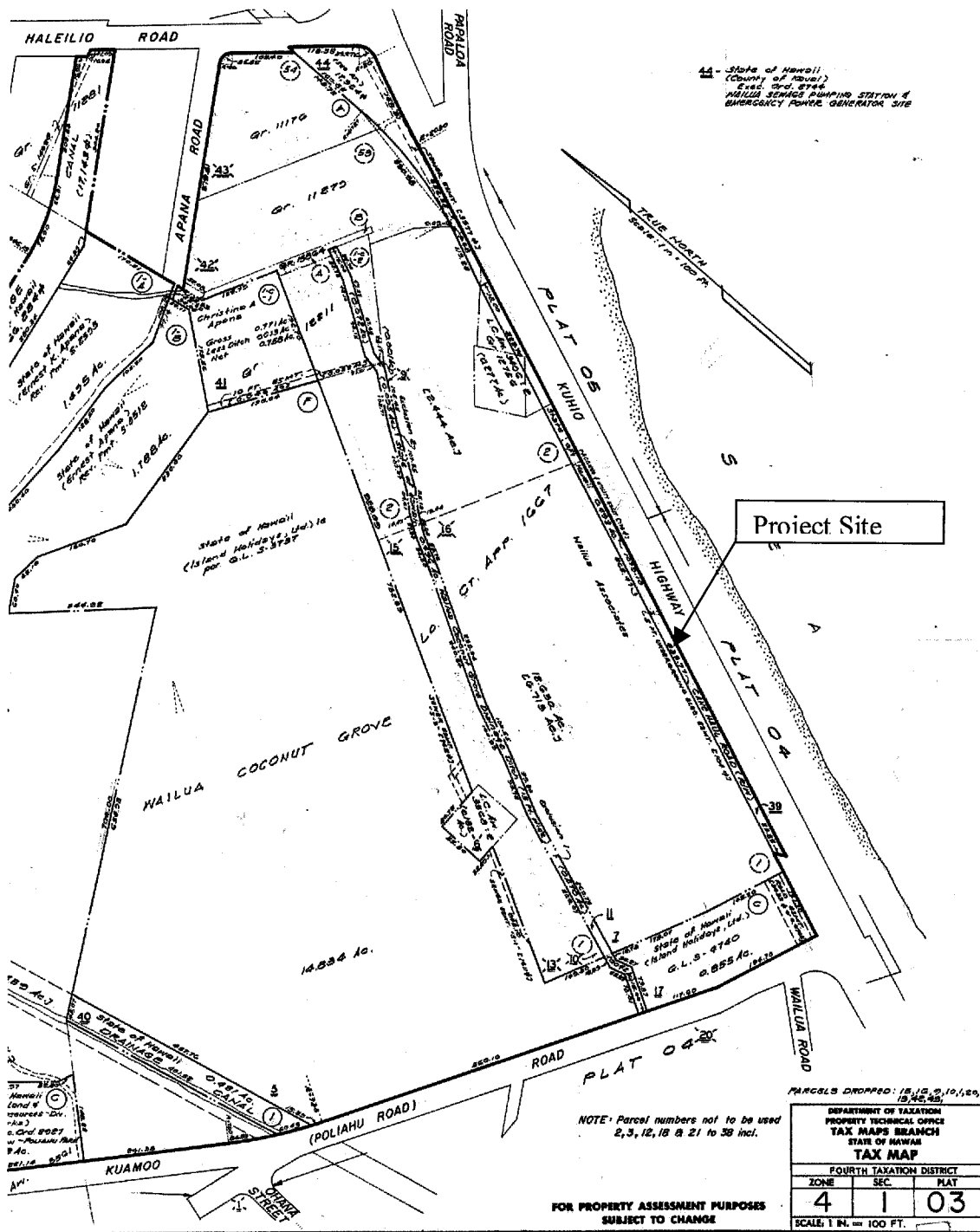


EXHIBIT A